

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**November 20, 2008**

DIVISION ONE

B206209      People                          (Not for Publication)  
v.  
J.S.

The order under review is affirmed.

Mallano, P.J.

We concur: Rothschild, J.  
Dunning, J. (Assigned)

B205225      People                          (Not for Publication)  
v.  
C.G.

The order of wardship is affirmed. The juvenile court is ordered to strike the portion of the January 10, 2008 minute order stating in item No. 28 that the “[m]inor may not be held in physical confinement for a period to exceed five years.”

Mallano, P.J.

We concur: Rothschild, J.  
Dunning, J. (Assigned)

DIVISION TWO

B205321 People v. Castro (Not for Publication)

The judgment is affirmed.

Chavez, J.

We concur: Boren, P.J.  
Ashmann-Gerst, J.

B203954 Eastbourne (Not for Publication)  
v.  
Encnio Tarzana Regional Medical Center

The judgment is affirmed. Respondent is awarded his costs on appeal.

Chavez, J.

We concur: Boren, P.J.  
Ashmann-Gerst, J.

B199970      Thorossian      (Not for Publication)  
v.  
Tarverdian

The judgment is affirmed. Respondent is awarded her costs on appeal.

Chavez, J.

We concur:   Boren, P.J.  
                      Doi Todd, J.

## DIVISION TWO (continued)

B202695      Baroi      (Not for Publication)  
v.  
Arcadia Unified School District et al.

Because appellant has failed to meet her burden of showing that the trial court's decision to sustain the demurrer was erroneous, the judgment is affirmed. Respondents are awarded their costs on appeal.

Chavez, J.

We concur: Doi Todd, Acting P.J.  
Ashmann-Gerst, J.

**DIVISION THREE**

B203977 People (Not for Publication)  
v.  
Ronald Lee Roberts

The judgment is affirmed.

Klein, P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

B200218      Maddox      (Not for Publication)  
v.  
Costco Wholesale Corporation

The judgment is affirmed. Costco is awarded costs on appeal.

Kitching, J.

We concur: Klein, P.J.  
Croskey, J.

### DIVISION THREE (continued)

B202673      People      (Not for Publication)  
v.  
A.G.,  
In re A.B., a Person Coming Under the Juvenile Court Law

The order continuing wardship is affirmed.

Kitching, J.

We concur:   Croskey, Acting P.J.  
                  Aldrich, J.

B193766 People (Not for Publication)  
v.  
Mario Torres

The judgment is affirmed.

Kitching, J.

We concur:   Croskey, Acting P.J.  
                  Aldrich, J.

B183388 People (Not for Publication)  
v.  
Luis M. Carmona

The judgment is reversed as to appellant's convictions in counts 6 through 9. Appellant is ordered to submit to DNA sampling and to AIDS testing and to pay a security fee in the amount of \$120, consisting of a \$20 security fee on each of his convictions in counts 1 through 9 and count 10. The cause is remanded for resentencing in all other respects, the judgment is affirmed.

Aldrich, J.

We concur:   Croskey, Acting P.J.  
                  Kitching, J.

DIVISION FOUR

B203172 People (Not for Publication)  
v.  
Gomez

The matter is remanded for resentencing. In all other respects, the judgment is affirmed.

Suzukawa, J.

We concur: Epstein, P.J.  
Willhite, J.

B198875 People (Not for Publication)  
v.  
Boyle

The judgment is affirmed.

Willhite, J.

We concur: Epstein, P.J.  
Manella, J.

B201292      People                          (Not for Publication)  
v.  
To

The judgment is reversed and the matter remanded for retrial within the time limits set by Penal Code section 1382, subdivision (a)(2).

Willhite, J.

We concur: Epstein, P.J.  
Manella, J.

## DIVISION FOUR (continued)

B200471 People (Not for Publication)  
v.  
Thomas

The judgment is affirmed.

Manella, J.

We concur: Epstein, P.J.  
Suzukawa, J.

B202733      Rothe, Jr.                    (Not for Publication)  
v.  
Stoddard

The order is reversed, insofar as it directs Frank to pay Danielle's attorney fees in the amount of \$92,552.86, and insofar as it directs that payment be made in a lump sum. The case is remanded to the trial court for the determinations required under sections 2030 and 2032. Any resulting attorney fee award shall be payable in manageable installments, consistent with Frank's ability to pay. The parties are to bear their own costs on appeal.

Epstein, P.J.

We concur: Manella, J.  
Suzukawa, J.

DIVISION FOUR (continued)

B201245      Consumer Advocacy Group, Inc.                      (Certified for Publication)  
                 v.  
                 ExxonMobil Corp.

The judgment is reversed and the case is remanded to the trial court for further proceedings consistent with this opinion. The parties are to bear their own costs on appeal.

Epstein, P.J.

We concur:   Willhite, J.  
                     Suzukawa, J.

DIVISION FIVE

B205025      California Insurance Guarantee Association  
                 v.  
                 Workers Compensation Appeals Board

Filed order modifying opinion. (No change in the judgment)

B207093      Michael Regan  
                 v.  
                 Los Angeles Unified School District

Filed order denying petition for rehearing.

November 20, 2008 (Continued)

## DIVISION FIVE (continued)

1003939-08

The Honorable **KIM GARLIN DUNNING**, Judge of the Superior Court of California, County of Orange, is hereby assigned to assist the Court of Appeal, Second Appellate District, **Division Five**, as a justice thereof, on the following dates:

**December 8, 2008**

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal Justice, all petitions for rehearing arising out of such causes and matters. This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

November 18, 2008

Ronald M. George  
Chief Justice of California and  
Chairperson of the Judicial Council

## DIVISION SIX

B206123 People (Not for Publication)  
v.  
Medina

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.  
Coffee, J.



DIVISION SIX (continued)

B204907      County of Ventura                      (Not for Publication)  
v.  
Ventura County Professional Peace Officers Association  
Terry Kitaguchi

Appellant's challenge to the trial court's award of costs to County as prevailing party pursuant to Code of Civil Procedure section 1293.2 is moot, because the arbitration award must be confirmed and the judgment reversed. The judgment vacating the arbitration award and awarding costs to the County is reversed. The trial court is directed to vacate its order and to enter another order affirming the arbitration award and directing the County to reinstate Kitaguchi with back pay from the date of the arbitrator's award. Each side shall bear their own costs on appeal.

Coffee, J.

We concur:    Yegan, Acting P.J.  
Perren, J.

B201555      Romagnano, a Minor, etc.,                      (Not for Publication)  
v.  
Rancho Simi Recreation and Park District

The judgment is affirmed. Costs are awarded to respondent.

Gilbert, P.J.

We concur:    Yegan, J.  
Coffee, J.

DIVISION EIGHT

Court convened at 9:16 a.m.

Present: Cooper, P.J., Rubin, J., Flier, J., Bigelow, J. and Emma Jean Amos, Deputy Clerk.

DIVISION EIGHT (continued)

Each of the following:

B202219 People v. Bautista  
B207019 Shoemaker v. Troy & Gould Professional  
B201366 People v. Smith  
B205791 DCFS v. S.K.  
B205326 People v. Sandoval  
B207924 DCFS v. Y.H.  
B201293 People v. Vasquez

Argument waived, cause submitted.

B203182     Dominquez  
              v.  
              Alden Enterprises, Inc. et al.,

Merits:

Argued by Steven Taylor for appellants and by Nancy Doumanian for respondent. Cause submitted.

Court recessed.

Court reconvened at 10:05 a.m.

Present: Cooper, P.J., Rubin, J., Flier, J. and Emma Jean Amos, Deputy Clerk.

B210149     DCFS  
              v.  
              Superior Court, Los Angeles County  
              (I. G. et al., r.p.i.)

Merits:

Argued by Tracey F. Dodds, Deputy County Counsel for petitioner, by Steven Shenfeld for real party in interest I.G.; and by Sophia Ali for real party in interest D.R. Appearance only by Bethanie T. and Marshall R., in propria persona. Cause submitted.

Court recessed.

DIVISION EIGHT (continued)

Court reconvened at 1:00 p.m.

Present: Flier, Acting P.J., Bigelow, J., Kreigler, J. (Assigned) and Emma Jean Amos, Deputy Clerk.

B205880      Stephen Pfahler, et al.,  
                  v.  
                  Coldwell Banker Residential Brokerage company, Inc. et al.,

Merits:  
Argued by Carlos Yguico for appellants and by Lawrence C. Ecoff for respondents. Cause submitted.

Kreigler, J. (assigned) left the bench.

Cooper, P.J. assumes the bench.

B206932      People  
                  v.  
                  I. L.,

Merits:  
Argued by Courtney Selan for appellant and by Peggy Huang, Deputy Attorney General, for respondent. Cause submitted.

Rubin, J. assumes the bench.

B203552      People  
                  v.  
                  Manuel De Jesus Trucios

Merits:  
Argued by Robert M. Sweet for appellant and by Linda Johnson, Deputy Attorney General, for respondent. Cause submitted.

Rubin, J. left the bench.

DIVISION EIGHT (continued)

B202195 Francis Shivers

v.

Ronald Litz et al.,

Angela Graber

Merits:

Argued by Sanford Passman for appellant, by Susan S. Baker for respondents Ronald Litz et al. and by Christopher Chaudoir for respondent Angela Graber. Cause submitted.

B200220 Joseph Cesaro et al.,

v.

Quinn Emanuel Urquhart Oliver & Hedges

Merits:

Argued by Eric J. Emanuel for respondent. Argument previously waived by counsel for appellants. Cause submitted.

B194913 WSS Industrial Construction, Inc.,

v.

Great West Contractors, Inc. et al.,

Merits:

Argued by Patricia A. Teunisse for appellants and by John Hunter for respondent. Cause submitted.

B203380 SH Partners Santa Monica

v.

Adventure Training Consultants et al.,

Merits:

Argued by Craig Mordoh for appellants and by Wayne Brosman for respondent. Cause submitted.

Flier, J. left the bench.

DIVISION EIGHT(continued)

B195218     Lorena Rojas et al.,  
              v.  
              Edgar Akopyan et al.,  
              Gateway Management

Merits:

Argued by Suzanne Rand-Lewis for appellants Rojas et al., by David Schaffer for defendants Akopyan et al. and by Margaret Johnson for respondent Gateway Management. Cause submitted.

Each of the following:

B203174 Cleveland v. Internet Specialties West  
B202927 Dicon Fiberoptics v. Franchise Tax Board

Oral argument continued to January 27, 2009, at 9:00 a.m

B205194     People  
              v.  
              Fails

Oral argument continued to December 1, 2008, at 9:30 a.m.

B204818     Johnson  
              v.  
              Los Angeles Community College

Matter taken off calendar.

B198401     St. Monica Development Company, LLC  
              v.  
              Sheppard, Mullin, Richter & Hampton, LLP

Oral argument continued to January 27, 2009, at 1:00 p.m.

Court adjourned.

November 20, 2008 (Continued)

## DIVISION EIGHT (continued)

[illegible]

The judgment is affirmed.

Cooper, P.J.

We concur: Flier, J.  
Bigelow, J.

B199711 People (Not for Publication)  
v.  
Bradley

The judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.  
Flier, J.

B205625      The Signal Hill Redevelopment Agency,      Not for Publication)  
v.  
Traffic Loops Crackfiling, Inc.,

The judgment is affirmed. Respondent is to recover its costs on appeal.

Bigelow, J.

We concur: Cooper, P.J.  
Flier, J.

## DIVISION EIGHT (continued)

[illegible]

The matter is remanded to the juvenile court with instructions to modify probation condition number 16 to read as follows: "Do not have any dangerous weapon or deadly weapon in your possession, or knowingly remain in the presence of any unlawfully armed person"; modify probation condition number 21 to read as follows: "Do not use or possess narcotics, controlled substances, poisons, or related paraphernalia; stay away from places where you know users congregate"; modify probation condition number 15 to reflect the juvenile court's oral pronouncement of the condition at the disposition hearing; and to delete any reference to a maximum term of confinement. In all other respects the disposition orders and judgment are affirmed.

Bigelow, J.

We concur: Rubin, Acting P.J.  
Flier, J.

B199017      People      (Not for Publication)  
v.  
David Tymel Cummings

trial court's order that defendant register as a narcotics offender pursuant to Health and Safety code section 11590, and (2) reflect that defendant's credit for actual time served is 399 days and his good time/work time credit is 198 days. In all other respects, the judgment is affirmed.

Rubin, J.

We concur: Cooper, P.J.  
Bigelow, J.

DIVISION EIGHT (continued)

B198813      Gregg Management,  
                  v.  
                  Payne et al.

Filed order denying petition for rehearing.